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### **REMARKS**

Claims 1-13 were originally filed in this application. In this response, claims 1, 2, 9-13 have been amended. No claims have been deleted or added. Consequently, claims 1-13 remain under consideration. Support for the amendments to claims 1 and 9 can be found at page 1, line 32-page 2, line 2, page 2, lines 21-28, page 4, lines 20-21 and in the drawings. No new matter has been added.

The drawings are objected to under 37 CFR 1.83(a) because they fail to show a "coin input chute 24.1" and the "bill collector 24.2" as described in the specification.

It is respectfully pointed out to the Examiner that these items are clearly shown and labelled in Figure 1 of the drawings. A redlined copy of the Figure 1 with these items circled is included for the Examiner's convenience. In the circumstances, it is submitted that the drawings do show these items and withdrawal of this objection is requested.

Claims 9-13 are objected to because of various informalities. By way of appropriate correction, these informalities have been amended as suggested by the Examiner. It is submitted that this objection has now been overcome and withdrawal of this objection is requested.

Claim 7 stands rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement.

The office action states that claim 7 contains subject matter, i.e. "placing a part of the background scene over the composite symbol" which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention". The Applicants note that this aspect of the Applicants' claimed invention is quite clearly described at page 6 of the specification, lines 28-31. The Applicants believe that a person of ordinary skill in objects based graphics packages

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would readily be able to put what is claimed in claim 7 into practice and it is submitted that there is adequate enablement of this claimed feature in the specification.

Withdrawal of this rejection is respectfully requested.

Claims 1-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over International Patent Publication No. WO 99/64997 in the name of Aristocrat Leisure Industries (referred to below as "Aristocrat") in view of US Patent No. 6,118,427 to Buxton et al. (referred to below as "Buxton").

More particularly, the office action states that:

WO 99/64997 teaches method and system for enhancing a screen display of a gaming machine, the comprising creating a background scene for a game screen (formed by plurality of symbols randomly selected and displayed); creating a plurality of composite symbols to overlies the background scene (animated line, page 2, lines 9-32); and at least a portion of each composite symbol transparent to enable the background scene to be viewed through the composite symbol (i.e., the transparent portion between the shoe and the heel of the footsteps, figs. 4a-4c); rendering a carrier (background of footsteps including the transparent portion of the footsteps) of each of at least certain of the composite symbols (footsteps) transparent; causing the composite symbol itself to be flashed on and off directly on top of the underlying part of the background scene so that the background scene remains visible and any background animations continue while the composite symbol (animated line) flashes; placing a flashing composite symbol animation (animated line) on top of the part of the background scene (formed by plurality of symbols randomly selected and displayed) to provide a flashing composite symbol. WO 99/64997 does not explicitly teach the limitations of rendering the portion of each composite symbol transparent by a software implementation (claim 3); setting the portion of each composite symbol to an appropriate alpha channel value in an alpha channel range to achieve transparency of the portion of each composite symbol (claim 4); employing an objects based graphics system for development of the composite symbol with portions of the composite symbol being rendered opaque (claim 5); placing a part of the background scene over the composite symbol (claim 7).

Buxton et al., however, teaches a graphical user interface comprising the limitations of rendering the portion of each composite symbol transparent by a software implementation (see the abstract and 3:36-4:56); producing transparency levels, alpha blending (11:1-12:67; 16-63-17:33); employing an objects based graphics system for development of the composite symbol (non-surface components 1404) with portions of the composite symbol (non-surface components 1404) being rendered opaque (14:1-14). Buxton et al., further teaches rendering at least a portion of each non-surface components 1404 transparent to enable the background scene to be viewed through the composite symbol (Figures 1,2, and 14).

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Note that, the term "carrier" is considered as the background of each symbol or the symbol's bounding box.

Further, note that, the limitations of placing a part of the background scene over the composite symbol (claim 7), e.g., switching graphic layers to create animation effects such as flashing; and setting the portion of each composite symbol to an appropriate alpha channel value in an alpha channel range to achieve transparency of the portion of each composite symbol (claim 4), e.g., setting the alpha channel of a graphic to certain desired ranges to control the transparency level of certain designed graphic are notoriously well known in the graphic industry.

Furthermore, it is notoriously well known in the game industry to use transparency graphics, e.g., transparent GIF, animated GIF, or transparency graphics setting from different graphical user interface (GUI) packages.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to utilize Buxton et al.'s graphical user interface to generate graphics for the gaming system and method of WO 99/64997 to come up with a gaming machine having attractive graphical effects thus attract more players and increase profit.

Firstly, the Examiner is, with respect, incorrect in alleging that Aristocrat teaches a step of creating a plurality of composite symbols to overlies a background scene. The Examiner indicates that he regards the composite symbol as the animated line described at page 2, lines 9-32 of Aristocrat.

What is described in Aristocrat is the animation of a winning payline through ordinary symbols of a spinning reel game. One of ordinary skill in the art will understand that a winning payline does not constitute a composite symbol forming part of a reel of a spinning reel game. Basically, Aristocrat teaches that a payline is animated in an entertaining way to highlight winning combinations of symbols to the player.

To interpret the implementation of Aristocrat showing a trail of footsteps as having a transparent part is, with respect, stretching the meaning of the term "transparent". Rather, all that is shown is a footstep having a heel portion and a sole portion. There is no hint, teaching or suggestion in Aristocrat of a composite symbol having a transparent background with an opaque indicium or symbol carried on the transparent background.

It is also extremely well established in interpreting a patent specification that the patent specification, itself, can form a dictionary for interpreting terms in that patent specification.

In the present application, it is defined, at page 2, lines 7-10, that the "composite symbol" is one having a background portion, being referred to as the "carrier" and an indicium arranged on the background portion being referred to as a "symbol". Thus, it is self-evident from the definition that the composite symbol requires a "carrier" on which is carried a "symbol". What is shown in Figures 4a-4c of Aristocrat cannot properly be regarded as a "composite symbol" as used in the subject application. Thus, in the light of the definition of what is regarded as the carrier of the composite symbol, the Examiner is incorrect to state that the "background of the footsteps including the transparent portion of the footsteps" can be the background of the composite symbol in view of the expressly defined meaning of "carrier" in the subject specification.

Therefore, Aristocrat does not disclose a background scene for a game screen of a spinning reel game where the spinning reel games comprise a video representation of a plurality of spinning reels and where each symbol of the set of symbols constituting the spinning reels is made up of composite symbols, as defined, to overlaid the background scene. Thus, Aristocrat cannot show that at least a portion of each composite symbol is rendered transparent to enable the background scene to be viewed **through** the composite symbol.

With regard to Buxton, Buxton teaches the use of a graphical user interface having elements of varying degrees of transparency to provide improved usability. Buxton does not teach the present invention as claimed. In particular, Buxton does not teach the use of a composite symbol (as defined) having a transparent portion such that a part of the background scene is visible through the composite symbol.

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It is respectfully submitted that the Examiner is relying on the benefit of hindsight analysis of Buxton in order to found the rejection that the invention as claimed is obvious.

Buxton is seized with the complex task of providing improved graphical user interfaces to improve user performance on such interfaces. As indicated in the abstract, the usability of variably-transparent GUI's is dependent on the effect of visual interference on user performance and relates to interaction between superimposed objects of various types measurably altering performance to unacceptable levels in terms of user selection error rates and response times. To overcome this problem, Buxton relies on a complex system of varying transparency of the foregrounds symbols, on the fly, in order to compensate for what is shown in the background.

A person designing more enjoyable gaming machine displays would quite simply not rely on the teachings of Buxton because the computing power required to implement Buxton is too large for gaming machine implementations. A gaming machine has limited memory capacity and requires high speed processing in order to improve turnover on the gaming machines. To implement a system such as that taught by Buxton would require either a very high speed processor, with the associated operating conditions and expense, or an excessively large memory capacity with the resultant additional costs.

Once again, Buxton is seized with a different problem from that associated with gaming machines. Buxton has variable transparency thresholds to improve user performance by a user of the GUI. In contrast, the present invention does not require and does not rely on variable transparency thresholds. All that is required is that a part of a composite symbol is rendered transparent so that a background of the scene over which the spinning reels of a gaming machine are superimposed is visible.

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Buxton itself acknowledges the complexity involved in its system by indicating that the inventors were first required to systematically evaluate user performance at a variety of transparency levels to determine which levels represented thresholds of acceptable performance in terms of response time and error rates. Those user derived values were then used to determine how to best take advantage of system hardware and software to subsequently produce the required transparency levels. (Column 3, lines 50-57). Quite clearly, this is not required by the present invention and it is respectfully submitted that one of ordinary skill in the field would not rely on the teachings of Buxton, whether on its own or in combination with Aristocrat, in order to attempt to arrive at the present invention as claimed.

As indicated above, Aristocrat teaches highlighting paylines to indicate to a player the winning combinations which that player has achieved in a particular game. In order to do so, the paylines are superimposed over the winning combinations of reel symbols. There would be absolutely no point in rendering part of the animated payline transparent as this would reduce the efficiency of showing the winning combination. Thus there would be no motivation to combine the teachings of Buxton with that of Aristocrat in order to arrive at the present invention as now claimed.

The Applicants believe that the rejection of the claims based on Aristocrat in view of Buxton should be withdrawn because there is no teaching or suggestion in either reference to use the Buxton teaching in Aristocrat. As the Court of Appeals for the Federal Circuit stresses, for a § 103 rejection to stand, the office action must show, with evidence, the motivation, suggestion or teaching of the desirability of making the specific combination in issue. That evidence is required to counter the powerful attraction of a hindsight-based obviousness analysis. See, for example, *In re Lee*, 277 F.3d 1338, 1343, 61 U.S.P.Q. 2d 1430, 1433 (Fed. Cir 2002.); *In re*

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*Dembiczak*, 175 F.3d 994, 999 50 U.S.P.Q. 2d 1614, 1617 (Fed. Cir. 1999) ("Our case law makes clear that the best defence against the subtle but powerful attraction of a hindsight-based obviousness analysis is a rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references").

Further, *In re Lee* requires that the record must state with particularity all the evidence and rationale on which the PTO relies for a rejection. In terms of the decision *In re Lee*, the office action must state in writing the **evidence** on which it bases its rejection. (Applicant's emphasis). The present office action falls short of that requirement.

The Applicant notes that the Examiner concedes that Aristocrat does not explicitly teach the limitations of what is disclosed in claims 3, 4, 5 or 7. In addition, Buxton also does not teach that a part of a background scene, behind video representations of spinning reels is visible through parts of composite symbols.

As all the integers of the independent claim as currently amended are not taught, suggested or motivated by the cited references, whether on their own or in combination, it is respectfully submitted that the invention as claimed is not obvious in the light of these citations. In addition and as a result, there is no motivation or teaching which would encourage one of ordinary skill in the art to combine the references with the reasonable expectation of successfully arriving at the invention as now claimed. Withdrawal of the rejection on this ground is therefore courteously requested.

The Examiner also indicates that certain claimed aspects are notoriously well known in the graphic design industry. Furthermore, the Examiner has indicated that it is notoriously well known in the game industry to use transparency graphics, for example, transparent GIF, animated GIF or transparency graphics settings from different graphical user interface packages.

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As discussed above, Applicants claims 1 and 9 all teach the generation of a background scene, the use of video simulations of spinning reels overlying the background scene, each reel comprising a plurality of symbols where the symbols are composite symbols comprising a "carrier" and a "symbol" carried on the carrier. Neither Aristocrat nor Buxton teach, disclose or suggest these features. The additional statements by the Examiner as to what is notoriously well known, whether in the graphic design industry or gaming industry fails to cure the basic deficiencies of the Aristocrat and Buxton citations in rendering the Applicants' claimed invention obvious under the requirements of 35 U.S.C. § 103(a)

In the circumstances, it is submitted that the invention as claimed is patentably distinguishable over the Aristocrat and/or Buxton citations and withdrawal of the 35 U.S.C. § 103(a) rejection is respectfully requested.



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### SUMMARY

Applicant believes that this paper has fully responded to each matter of substance raised in the Office Action and believes that the case is in condition for allowance. Withdrawal of the rejections and allowance of the application is therefore courteously solicited. Should the Examiner have any requests, questions or suggestions, the Examiner is invited to contact Applicant's representative at the number listed below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: 8/27/04

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